

REMARKS

Applicant has studied the Office Action dated October 17, 2005, and has made amendments to the claims. Claims 12, 13 and 18-31 have been amended. The amendments to the claims are intended to correct typographical errors and are not related to patentability. Claims 18-31 has been renumbered as claims 18-32 to correct the inadvertent duplication of claim 18. Claims 1, 9, 12, 15 and 21 are independent claims. Claims 1-32 are pending. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Amendments to Specification

An amendment has been made to the specification at paragraph 00075 to correct a typographical error. No new matter has been added as the amendment has support in the application as originally filed. The amendment is not related to patentability.

Claim for Foreign Priority Under 35 U.S.C. § 119

In the Office action, the Examiner acknowledged the Applicant's claim for foreign priority under 35 U.S.C. § 119 and indicated that the certified copy of the priority document has not been received. A certified copy of the priority document is provided herewith.

§ 102 Rejection

Claims 1-31 (now renumbered as claims 1-32) were rejected under 35 U.S.C. § 102(e) as being anticipated by Flykt et al. (Flykt, US Pat. Pub. No. 2004/0029576). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

It is respectfully noted that the Examiner asserts, at paragraph 3 of the Office action, that Flykt discloses, at paragraphs 0076 – 0088, “An apparatus for processing a security setup control message in a mobile communication system, the apparatus comprising: means for verifying the integrity of the message wherein the value of at least one security variable is updated with new security setup information if the message is verified and the value of the security variable remains unchanged if the message is not verified.” It is further respectfully noted that independent claims 1, 12 and 20 (now 21) all recite similar limitations. Applicant respectfully traverses the Examiner’s interpretation of Flykt and respectfully submits that Flykt fails to disclose all the limitations recited in independent claims 1, 12 and 21.

It is respectfully noted that Flykt is directed to “authentication of a subscriber” that is performed “when a subscriber registers to the network services” or “when a connection is established” and, specifically, to “reliable protection of critical information” such as “information regarding the originator of the registration message ... and/or information regarding the subscriber to be registered.” Flykt paragraphs 0002, 0004, 0010 and 0029.

On the other hand, it is respectfully noted that the claims of the present invention are directed to processing a security setup control message in a mobile communication system and specifically to “ensuring the reliability of security setup information ... such that future exchanges between the receiving and transmitting parties is not impacted when a security setup control message is deemed unreliable” in order to address the problem that “[i]nformation related to controlling the security variables” that are “used for the connection over which secure messages are transmitted” is “vulnerable to alteration by an unauthenticated third party or may be transmitted by an unauthenticated transmitting party.” Specification at paragraphs 00023 – 00028.

Therefore, it is respectfully submitted that Flykt fails to disclose processing a security setup control message in a mobile communication system as recited in independent claims 1, 12 and 21, but rather discloses an “authentication” process that uses the information in a message similar to the security setup control message that the present invention is directed to processing. It is further respectfully submitted that nowhere in Flykt is in the processing of the message that contains the information used for the “authentication” process disclosed. Moreover, it is respectfully submitted that nowhere in Flykt is a security setup control message disclosed.

It is respectfully noted that independent claims 1, 12 and 21 recite verifying the integrity of the message, the message being the security setup control message recited in the preamble. It is further respectfully noted that the Examiner, at paragraph 3 of the Office action equates “the message is not verified” with “authentication fails.”

It is respectfully submitted that, given the Examiner’s analogy between “the message is not verified” and “authentication fails,” it follows that “the message is verified” is being equated with “authentication of a subscriber.” It is further respectfully submitted that “authentication of a subscriber” is not sufficient to disclose verifying the integrity of the message, notwithstanding the lack of any disclosure of a setup control message in Flykt.

It is respectfully noted that independent claims 1, 12 and 21 recite the value of at least one security variable is updated with new security setup information if the message is verified and the value of the security variable remains unchanged if the message is not verified. It is further respectfully noted that the Examiner, at paragraph 3 of the Office action, equates “security variable is updated” with the “MAC calculation,” equates “security variable remains unchanged” with “MAC does not match” and equates “the message is not verified” with “authentication fails.” With respect to the “MAC” disclosed in Flykt, it is further respectfully noted that Flykt discloses “the UE may calculate a message authorization code (MAC) by using ... the ciphering key CK or integrity key IK” and “authentication fails” if the this “MAC” does not match the MAC calculated “from the corresponding parts of the message.” Paragraphs 0081, 0084 and 0088. Moreover, it is respectfully noted that Flykt discloses “a 200 OK message” is forwarded to the UE if “both results are the same” and the “authentication” is verified. Paragraph 0086.

Notwithstanding the lack of any disclosure of a setup control message in Flykt, it is respectfully submitted that, according to the Examiner’s interpretation, Flykt discloses the security variable is updated (i.e. MAC calculation) **prior** to determining that the message is verified or “verifying the integrity of the message” (i.e. “authentication”) as opposed to the security variable is updated with new security setup information if the message is verified. It is further respectfully submitted that, according to the Examiner’s interpretation, since Flykt discloses that the security variable is updated (i.e. MAC calculation) **before** it is determined that the message is not verified or “authentication fails,” Flykt cannot disclose that the value of the security variable remains unchanged if the message is not verified.

It is respectfully asserted that independent claims 1, 12 and 21 are allowable over the cited reference. It is respectfully noted that the Examiner has not addressed the allowability of dependent claims 2-11, 13-19 (now 13-20) and 21-31 (now 22-32) in the Office action and, therefore, it is further respectfully asserted that claims 2-11, 13-20 and 22-32 also are allowable over the cited reference by virtue of allowable subject matter recited therein as well as by virtue of their dependence from respectively, claims 1, 12 and 21.

CONCLUSION

In light of the above remarks, applicants submit that the all claims of the present application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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